

# **EXHIBIT A**

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS****CASE No. 2016DCV2467**

**MARCELA ROCHA VS BALFOUR BEATTY MILITARY HOUSING  
MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC**

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§  
§  
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§

Case Type: **Wrongful Termination**  
Date Filed: **06/30/2016**  
Location: **168th District Court**

**PARTY INFORMATION**

<b>Defendant</b>	<b>Balfour Beatty Communities, LLC</b>	<b>Lead Attorneys</b> <b>MICHAEL J. DEPONTE</b> <i>Retained</i> 214-520-2400(W)
<b>Defendant</b>	<b>Balfour Beatty Military Housing Management, LLC</b>	<b>MICHAEL J. DEPONTE</b> <i>Retained</i> 214-520-2400(W)
<b>Defendant</b>	<b>Balfour Beatty Military Housing, LLC</b>	<b>MICHAEL J. DEPONTE</b> <i>Retained</i> 214-520-2400(W)
<b>Plaintiff</b>	<b>Rocha, Marcela</b>	<b>GEORGE P ANDRITSOS</b> <i>Retained</i> 915-566-9995(W)

**EVENTS & ORDERS OF THE COURT**

<b>OTHER EVENTS AND HEARINGS</b>			
06/30/2016	<b>Original Petition (OCA)</b>	<b>Doc ID# 1</b>	
06/30/2016	<b>Case Information Sheet</b>	<b>Doc ID# 2</b>	
06/30/2016	<b>E-File Event Original Filing</b>		
07/01/2016	<b>Jury Demand</b>	<b>Doc ID# 3</b>	
07/08/2016	<b>Citation</b>		
	Balfour Beatty Military Housing Management, LLC	Served	07/11/2016
		Response Due	08/01/2016
		Returned	07/18/2016
	Balfour Beatty Communities, LLC	Served	07/11/2016
		Response Due	08/01/2016
		Returned	07/18/2016
	Balfour Beatty Military Housing, LLC	Served	07/11/2016
		Response Due	08/01/2016
		Returned	07/18/2016
08/01/2016	<b>Answer</b>	<b>Doc ID# 7</b>	

# **EXHIBIT A-1**

Norma L. Favela  
District Clerk  
El Paso County  
2016DCV2467

**MARCELA ROCHA,**

Plaintiff,

v.

Cause No. 2016-DCV

**BALFOUR BEATTY MILITARY  
HOUSING MANAGEMENT, LLC,  
BALFOUR BEATTY  
COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY  
HOUSING, LLC,**

**Defendants.**

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW MARCELA ROCHA, hereinafter referred to as Plaintiff in the above-styled and numbered cause, complaining of BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, BALFOUR BEATTY COMMUNITIES, LLC and BALFOUR BEATTY MILITARY HOUSING, LLC, hereinafter called Defendants, and for cause of action would respectfully show the Court and jury the following:

## I. DISCOVERY CONTROL PLAN

Discovery Control Plan Level III. Discovery is intended to be conducted under Level III of Rule 190 of the Texas Rules of Civil Procedure.

## II. PARTIES

Plaintiff (SS#086) is a female individual who resides in El Paso County, Texas.

Defendant **BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC** is a corporation licensed to do business in the State of Texas, whose registered agent for service is **CORPORATION SERVICE COMPANY** and they may be served with citation at **211 E. 7<sup>TH</sup> STREET, SUITE 620, AUSTIN, TEXAS 78701**, or wherever they may be found.



Defendant **BALFOUR BEATTY COMMUNITIES, LLC** is a corporation licensed to do business in the State of Texas, whose registered agent for service is **CORPORATION SERVICE COMPANY** and they may be served with citation at **211 E. 7<sup>TH</sup> STREET, SUITE 620, AUSTIN, TEXAS 78701**, or wherever they may be found.

Defendant **BALFOUR BEATTY MILITARY HOUSING, LLC** is a corporation licensed to do business in the State of Texas, whose registered agent for service is **CORPORATION SERVICE COMPANY** and they may be served with citation at **211 E. 7<sup>TH</sup> STREET, SUITE 620, AUSTIN, TEXAS 78701**, or wherever they may be found.

### III. JURISDICTION AND VENUE

Plaintiff brings this cause of action pursuant to *Texas Labor Code §21.001 et seq.*

Venue is proper in this Court because a substantial portion of the facts giving rise to this claim occurred here.

### IV. FACTS

Plaintiff was hired by Defendants in El Paso County, Texas as a Resident Specialist. In June of 2014 Plaintiff notified her employer that she was pregnant. Shortly thereafter, Plaintiff was subjected to discriminatory treatment by her manager, Lauren Serrano. Ms. Serrano transferred Plaintiff almost immediately after having been told of Plaintiff's pregnancy. Ms. Serrano began to criticize and scrutinize Plaintiff's work performance. Thereafter, on or about September 16, 2014, Plaintiff was terminated for an alleged error on her time sheet. Plaintiff's time sheet had been adjusted by Ms. Serrano several times without Plaintiff's knowledge or consent and without the approval of Plaintiff's supervisor. Plaintiff was terminated without reason or justification. Plaintiff did not violate any company policy and denied any conduct that could have resulted in disciplinary action, including termination. Defendants failed to follow any non-discriminatory policy in making the decision to terminate Plaintiff. Plaintiff was treated less favorable than other employees.



Plaintiff was replaced with an individual who was not pregnant. Plaintiff was awarded her unemployment benefits and a determination issued by the Texas Workforce Commission found no misconduct on behalf of Plaintiff related to her termination. Plaintiff alleges she was terminated for reasons unsupported by evidence under pre-text. Plaintiff further alleges that her sex/pregnancy was a motivating factor in the decision to terminate her employment.

Plaintiff has been unable to obtain alternate employment which compensates her at the pay rate which she earned while employed by Defendants or provides the same benefits she earned while employed by Defendants. As a matter of reasonable probability, Plaintiff will be unable to obtain such alternate employment for a period of time in the future. Plaintiff has therefore sustained damages in the form of back pay or lost wages in the past and front pay or lost wages in the future, as well as the loss of past and future benefits of employment.

As a proximate result of her termination, Plaintiff has experienced emotional pain, suffering, inconvenience, mental anguish, and a loss of enjoyment of life, and as a matter of reasonable probability, Plaintiff will continue to experience emotional pain, suffering, inconvenience, mental anguish, and a loss of enjoyment of life for a period of time in the future.

Plaintiff has been forced to retain the undersigned counsel to protect and enforce her rights, and has incurred the obligation to pay reasonable and necessary attorney fees.

#### **V. ADMINISTRATIVE REQUISITES ARE SATISFIED**

On or about January 20, 2015, Plaintiff filed a formal charge of discrimination bearing charge no. 453201500331 simultaneously with the Equal Employment Opportunity Commission (E.E.O.C.) and the Texas Workforce Commission Civil Rights Division. On or after May 13, 2016, Plaintiff was issued a Notice of Right to Sue from the Equal Employment Opportunity Commission on charge no. 453201500331.

This petition was timely filed and all conditions precedent to the filing of this suit have been



performed or have occurred.

## VI. CAUSES OF ACTION

Plaintiff brings this cause of action pursuant to *Texas Labor Code §21.001 et seq.*

The above-described acts and omissions of Defendants in discriminating against Plaintiff on the basis of her sex/pregnancy are in violation of *§21.001 et seq. of the Texas Labor Code*. The discriminatory actions of Defendants were the proximate cause of damages to Plaintiff as more particularly described below.

## VII. DAMAGES

The damages proximately caused to Plaintiff by Defendants' conduct include back pay and benefits, front pay and benefits, compensatory damages, reasonable and necessary attorney's fees, reinstatement, pre-judgment and post-judgment interest as allowed by law and costs of Court. Pursuant to Texas Rule of Civil Procedure 47, Plaintiff pleads that she seeks an award for all of the above in an amount of monetary relief of less than One Hundred Thousand dollars (\$100,000.00) and non-monetary relief. Plaintiff seeks an award for all of the above in the maximum amount of Seventy-Four Thousand Nine Hundred Ninety-Nine dollars (\$74,999.00) including the value of any non-monetary recovery, excluding interest and costs as evidenced by the sworn stipulation attached hereto as Exhibit "A".

## VIII. PRAYER

**WHEREFORE PREMISES CONSIDERED**, Plaintiff requests that Defendants be cited to appear herein, and that following a trial by jury, that the Court enter judgment in her favor against Defendants, and award Plaintiff her actual damages as set forth above, compensatory damages, reasonable and necessary attorney's fees through the appeal process, reinstatement, pre-judgment



and post-judgment interest as allowed by law, costs of court, and for such other and further relief, at law or in equity, to which Plaintiff may be entitled, all in the maximum amount of Seventy-Four Thousand Nine Hundred Ninety-Nine dollars (\$74,999.00), exclusive of interest and costs of Court, including the value of any non-monetary recovery.

Respectfully submitted,

/s/ George P. Andritsos  
GEORGE P. ANDRITSOS  
Attorney for Plaintiff  
3116 Montana  
El Paso, Texas 79903  
Tel: (915) 566-9995  
Fax: (915) 566-9996  
Email: george@andritsos.com  
State Bar No. 00786987

A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk  
By *Julia Solis* Deputy  
AUG 10 2016





**SWORN STIPULATION**

STATE OF TEXAS           )  
                                          )  
COUNTY OF EL PASO       )

My name is MARCELA ROCHA and I am the Plaintiff in this cause. I have personal knowledge of every statement herein. Every statement herein is true and correct.

By this stipulation, I swear and stipulate that the amount in controversy in this case is no more than \$74,999.00, plus interest and costs. I verify and stipulate that the amount I seek to recover in this case, including the value of any non-monetary recovery, is no more than \$74,999.00, plus interest and costs.

I agree to waive and hereby do waive any recovery in this case, whether it be for actual damages, punitive damages, attorney fees, reinstatement or other non-monetary recovery, or any other possible category of recovery, in any amount totaling in excess of \$74,999.00, plus interest and costs.

If a judgment is entered in this case in an amount in excess of \$74,999.00, plus interest and costs, including the value of reinstatement or other non-monetary recovery, I will not execute on the amount exceeding that amount. I waive any right to execute on the portion of any judgment in this case which exceeds \$74,999.00, plus interest and costs.

By the phrase "interest and costs," as those terms are used herein, I intend those terms to have the same meaning as they have under the federal removal statute, which I understand is 28 U.S.C. section 1332.

I intend for this stipulation to be binding on me and my heirs, successors, and assigns, and anyone acting on my behalf.

I agree that this stipulation is irrevocable, and forever bars any recovery in this case in excess of \$74,999.00, including all monetary recovery and the value of all non-monetary recovery, plus interest and costs.

I swear and stipulate to all of the foregoing.

Signed:

M. Rocha

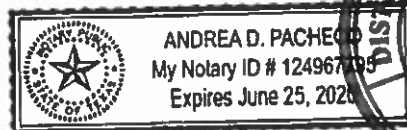
Print name:

Marcela Rocha

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 19<sup>th</sup> day of May, 2016.

Andrea D. Pacheco  
Notary Public in and for  
The State of Texas

My commission expires: 6-25-20



# **EXHIBIT A-2**

El Paso County - 168th District Court

Filed 6/30/2016 9:35:03 AM

## CIVIL CASE INFORMATION SHEET

Norma L. Favela

District Clerk

El Paso County

2016DCV2467

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED

Marcela Rocha v. Balfour Beatty Military Housing Management, LLC, et. al.

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: <u>George P. Andritsos</u> Email: <u>george@andritsos.com</u> Address: <u>3116 Montana</u> Telephone: <u>(915) 566-9995</u> City/State/Zip: <u>El Paso, Texas 79903</u> Fax: <u>(915) 566-9996</u> Signature: <u>George P. Andritsos</u> State Bar No: <u>00786937</u> (Attach additional page as necessary to list all parties)		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): <u>Marcela Rocha</u> Defendant(s)/Respondent(s): <u>Balfour Beatty Military Housing Management, LLC, et. al.</u>		<b>Person or entity completing sheet is:</b> <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ <b>Additional Parties in Child Support Case:</b> Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____						
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>										
<b>Civil</b> <table border="1"> <tr> <td> <b>Contract</b>  <input type="checkbox"/> Consumer/DTPA  <input type="checkbox"/> Debt/Contract  <input type="checkbox"/> Fraud/Misrepresentation  <input type="checkbox"/> Other Debt/Contract:  <b>Foreclosure</b>  <input type="checkbox"/> Home Equity—Expedited  <input type="checkbox"/> Other Foreclosure  <input type="checkbox"/> Franchise  <input type="checkbox"/> Insurance  <input type="checkbox"/> Landlord/Tenant  <input type="checkbox"/> Non-Competition  <input type="checkbox"/> Partnership  <input type="checkbox"/> Other Contract:         </td> <td> <b>Injury or Damage</b>  <input type="checkbox"/> Assault/Battery  <input type="checkbox"/> Construction  <input type="checkbox"/> Defamation  <b>Malpractice</b>  <input type="checkbox"/> Accounting  <input type="checkbox"/> Legal  <input type="checkbox"/> Medical  <input type="checkbox"/> Other Professional Liability:  <input type="checkbox"/> Motor Vehicle Accident  <input type="checkbox"/> Premises  <b>Product Liability</b>  <input type="checkbox"/> Asbestos/Silica  <input type="checkbox"/> Other Product Liability List Product:  <input type="checkbox"/> Other Injury or Damage:         </td> <td> <b>Real Property</b>  <input type="checkbox"/> Eminent Domain/Condemnation  <input type="checkbox"/> Partition  <input type="checkbox"/> Quiet Title  <input type="checkbox"/> Trespass to Try Title  <input type="checkbox"/> Other Property:  <b>Related to Criminal Matters</b>  <input type="checkbox"/> Expunction  <input type="checkbox"/> Judgment Nisi  <input type="checkbox"/> Non-Disclosure  <input type="checkbox"/> Seizure/Forfeiture  <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment  <input type="checkbox"/> Other:         </td> </tr> </table>			<b>Contract</b> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Family Law</b> <table border="1"> <tr> <td> <b>Marriage Relationship</b>  <input type="checkbox"/> Annulment  <input type="checkbox"/> Declare Marriage Void  <b>Divorce</b>  <input type="checkbox"/> With Children  <input type="checkbox"/> No Children  <b>Other Family Law</b>  <input type="checkbox"/> Enforce Foreign Judgment  <input type="checkbox"/> Habeas Corpus  <input type="checkbox"/> Name Change  <input type="checkbox"/> Protective Order  <input type="checkbox"/> Removal of Disabilities of Minority  <input type="checkbox"/> Other:         </td> <td> <b>Post-judgment Actions (non-Title IV-D)</b>  <input type="checkbox"/> Enforcement  <input type="checkbox"/> Modification—Custody  <input type="checkbox"/> Modification—Other  <b>Title IV-D</b>  <input type="checkbox"/> Enforcement/Modification  <input type="checkbox"/> Paternity  <input type="checkbox"/> Reciprocity (UIFSA)  <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b>  <input type="checkbox"/> Adoption/Adoption with Termination  <input type="checkbox"/> Child Protection  <input type="checkbox"/> Child Support  <input type="checkbox"/> Custody or Visitation  <input type="checkbox"/> Gestational Parenting  <input type="checkbox"/> Grandparent Access  <input type="checkbox"/> Parentage/Paternity  <input type="checkbox"/> Termination of Parental Rights  <input type="checkbox"/> Other Parent-Child:         </td> </tr> </table>			<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent 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<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:									
<b>Employment</b> <input checked="" type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:			<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetrate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:							
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax			<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>										
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order <input type="checkbox"/> Turnover						
<b>4. Indicate damages sought (do not select if it is a family law case):</b> <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input checked="" type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000										

A TRUE COPY, I CERTIFY

NORMA L. FAVELA, DISTRICT CLERK

By Deputy

AUG 10 2016



Rev 2/11

# **EXHIBIT A-3**



# **EXHIBIT A-4**

## THE STATE OF TEXAS

**NOTICE TO DEFENDANT:** "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

**TO:** BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, who may be served with process by serving its registered agent CORPORATION SERVICE COMPANY at 211 E. 7<sup>TH</sup> STREET, SUITE 620 AUSTIN, TX 78701 or wherever they may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 168<sup>th</sup> Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of June, 2016, by Attorney at Law GEORGE P. ANDRITSOS, 3116 MONTANA, EL PASO, TX 79903 in this case numbered 2016DCV2467 on the docket of said court, and styled:

**MARCELA ROCHA**

vs.

**BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Demand for Trial, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at El Paso, Texas, on this the 8<sup>th</sup> day of July, 2016.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas

CLERK OF THE COURT  
**NORMA L. FAVELA**

District Clerk

El Paso County Courthouse  
500 E. San Antonio Ave, RM 10  
El Paso Texas, 79901

ATTACH  
RETURN RECEIPTS  
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER

TITLE

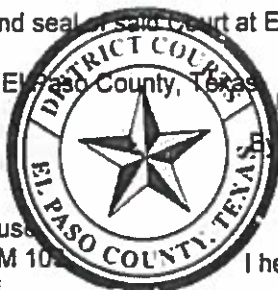
ADDRESS

CITY

STATE ZIP  
A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk

By Edith Miledi Deputy

**AUG 10 2016**



Edith Miledi

Edith Miledi

Deputy

### CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ I mailed to \_\_\_\_\_

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition & Demand for Trial attached thereto.



FILED  
NORMA L. FAVELA  
DISTRICT CLERK  
EL PASO COUNTY, TEXAS  
2016 JUL -8 PM 3:12

**RETURN OF SERVICE**

Delivery was completed on \_\_\_\_\_, delivered to \_\_\_\_\_  
\_\_\_\_\_ as evidence by Domestic Return Receipt PS Form 3811  
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned  
undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_  
Deputy District Clerk

OR

\_\_\_\_\_  
Name of Authorized Person

By: \_\_\_\_\_

**VERIFICATION BY AUTHORIZED PERSON**

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person  
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am  
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and  
correct."

Subscribed and sworn to be on this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_





## THE STATE OF TEXAS

**NOTICE TO DEFENDANT:** "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

**TO:** BALFOUR BEATTY MILITARY HOUSING, LLC, who may be served with process by serving its registered agent CORPORATION SERVICE COMPANY at 211 E. 7<sup>TH</sup> STREET, SUITE 620 AUSTIN, TX 78701 or wherever they may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 168<sup>th</sup> Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of June, 2016, by Attorney at Law GEORGE P. ANDRITSOS, 3116 MONTANA, EL PASO, TX 79903 in this case numbered 2016DCV2467 on the docket of said court, and styled:

**MARCELA ROCHA**

vs.

**BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Demand for Trial, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

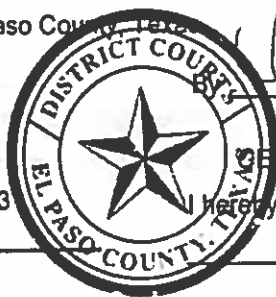
Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 8<sup>th</sup> day of July, 2016.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas

CLERK OF THE COURT  
**NORMA L. FAVELA**

District Clerk

El Paso County Courthouse  
500 E. San Antonio Ave, RM 103  
El Paso Texas, 79901



*[Signature]*

Deputy  
**Edith Miledi**

**CERTIFICATE OF DELIVERY BY MAIL**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ I mailed to

ATTACH  
RETURN RECEIPTS  
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation, Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition & Demand for Jury Trial attached thereto.

\*NAME OF PREPARER

TITLE

ADDRESS

CITY

A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk

By *[Signature]* Deputy

**AUG 10 2016**



EL PASO COUNTY, TEXAS  
BY *[Signature]* DEPUTY

2016 JUL -8 PM 3:13

FILED  
NORMA L. FAVELA  
DISTRICT CLERK

**RETURN OF SERVICE**

Delivery was completed on \_\_\_\_\_, delivered to \_\_\_\_\_  
\_\_\_\_\_ as evidence by Domestic Return Receipt PS Form 3811  
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned  
undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_

Deputy District Clerk

OR

\_\_\_\_\_  
Name of Authorized Person

By: \_\_\_\_\_

**VERIFICATION BY AUTHORIZED PERSON**

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person  
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am  
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and  
correct."

Subscribed and sworn to be on this \_\_\_\_\_ day  
of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_



# THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: BALFOUR BEATTY COMMUNITIES, LLC, who may be served with process by serving its registered agent CORPORATION SERVICE COMPANY at 211 E. 7<sup>TH</sup> STREET, SUITE 620 AUSTIN, TX 78701 or wherever they may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 168<sup>th</sup> Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of June, 2016, by Attorney at Law GEORGE P. ANDRITSOS, 3116 MONTANA, EL PASO, TX 79903 in this case numbered 2016DCV2467 on the docket of said court, and styled:

MARCELA ROCHA

vs.

BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Demand for Trial, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

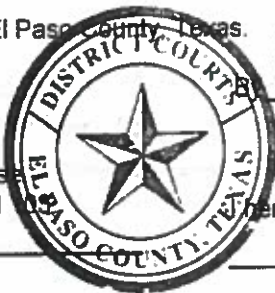
Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 8<sup>th</sup> day of July, 2016.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT  
NORMA L. FAVELA

District Clerk

El Paso County Courthouse  
500 E. San Antonio Ave, RM  
El Paso Texas, 79901



*[Signature]*, Deputy  
Edith Miledi

## CERTIFICATE OF DELIVERY BY MAIL

hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ I mailed to

ATTACH  
RETURN RECEIPTS  
WITH

### ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition & Demand for Jury Trial attached thereto.

\*NAME OF PREPARER TITLE

ADDRESS

CITY

A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk

By

*[Signature]*  
Deputy

AUG 10 2016



FILED  
NORMA L. FAVELA  
DISTRICT CLERK  
2016 JUL - 8 PM 3:13  
EL PASO COUNTY, TEXAS  
DEPUTY  
*[Signature]*

**RETURN OF SERVICE**

Delivery was completed on \_\_\_\_\_, delivered to \_\_\_\_\_  
\_\_\_\_\_ as evidence by Domestic Return Receipt PS Form 3811  
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned  
undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_  
Deputy District Clerk

OR

\_\_\_\_\_  
Name of Authorized Person

By: \_\_\_\_\_

**VERIFICATION BY AUTHORIZED PERSON**

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person  
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am  
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and  
correct."

Subscribed and sworn to be on this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_



☐ AGENT  
☒ ATTORNEY  
☐ SHERIFF

GEORGE ANDRITSOS

DATE RECEIVED: 7-5-16

☐ CONSTABLE

CAUSE NO: 2016-DCV2467

Individual Requesting Service:

GEORGE P. ANDRITSOS

2016 JUL -5 PM 1:26

☐ CAPIAS  
☐ CITATION PERSONAL SERVICE  
☒ CITATION BY MAIL  
☐ CITATION NON-RESIDENT  
☐ CITATION BY PUBLICATION ☐ OTHER: \_\_\_\_\_

☐ NOTICE TO SHOW CAUSE  
☐ PROTECTIVE ORDER  
☐ SUBPOENA(S)  
☐ TRO

☒ PAUPER'S

Clerk who issued: [Signature]

Date finished: 07/08/16

Rec'd By: [Signature]

Date: 7-8-16

\*Attn. Please review your request for accuracy; The District Clerks Office is not responsible for any errors after the request is received by the Requesting Individual.

A TRUE COPY, I CERTIFY  
NORMAL L. FAVELA, District Clerk

By [Signature]

Deputy

AUG 10 2016



FILED  
NORMA L. FAVELA  
DISTRICT CLERK

2016 JUL -8 PM 3:56

EL PASO COUNTY, TEXAS

BY \_\_\_\_\_  
DEPUTY



# **EXHIBIT A-5**



El Paso County - 168th District Court

Filed 7/18/2016 3:17:07 PM

Norma L. Favela  
District Clerk  
El Paso County  
2016DCV2467

## RETURN OF SERVICE

Delivery was completed on July 11, 2016, delivered to Balfour Beatty  
Military Housing Management LLC as evidence by Domestic Return Receipt PS Form 3811  
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned  
undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_  
Deputy District Clerk

OR

GLORIA ZUBIA

Name of Authorized Person

By: Norma Zubia

## VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared GLORIA ZUBIA known to me to be the person  
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am  
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and  
correct."

Subscribed and sworn to be on this 15<sup>th</sup> day  
of July, 2016

Andrea D. Pacheco  
Notary Public, State of Texas

My commission expires: 6-25-20

A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk

By: Norma Zubia Deputy



ANDREA D. PACHECO  
My Notary ID # 124967795  
Expires June 25, 2020

AUG 10 2016



# THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC**, who may be served with process by serving its registered agent **CORPORATION SERVICE COMPANY** at **211 E. 7<sup>TH</sup> STREET, SUITE 620 AUSTIN, TX 78701** or wherever they may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **168<sup>th</sup> Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of June, 2016, by Attorney at Law **GEORGE P. ANDRITSOS**, 3116 MONTANA, EL PASO, TX 79903 in this case numbered **2016DCV2467** on the docket of said court, and styled:

**MARCELA ROCHA**

vs.

**BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Demand for Trial, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 8<sup>th</sup> day of July, 2016.

Attest: **NORMA L. FAVELA**, District Clerk, El Paso County, Texas

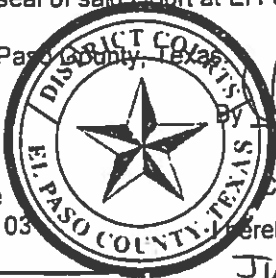
CLERK OF THE COURT  
**NORMA L. FAVELA**  
District Clerk

El Paso County Courthouse  
500 E. San Antonio Ave, RM 103  
El Paso Texas, 79901

ATTACH  
RETURN RECEIPTS  
WITH

ADDRESSEE'S SIGNATURE  
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

\*NAME OF PREPARER \_\_\_\_\_ TITLE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_



By *Edith Miledi*, Deputy  
Edith Miledi

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 8<sup>th</sup> day of

July, 2016, at 4:30 PM mailed to

Balfour Beatty Military Housing  
management LLC

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition & Demand for Jury Trial attached thereto.

*Alma Lopez*



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC by serving their agent CORPORATION SERVICE COMPANY 211 E. 7th Street #620 Austin, Texas 78701		B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery JUL 11 2016	
2. Article Number (Transfer from service label) 7013 0600 0002 3714 6707		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, July 2013 Domestic Return Receipt

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

AUSTIN, TX 78701

Postage \$3.30  
Certified Fee \$1.70  
Return Receipt Fee (Endorsement Required) \$0.00  
Restricted Delivery Fee (Endorsement Required) \$0.00  
Total Postage & Fees \$6.68

Sent to Balfour Beatty Military Housing Management LLC by 68499 in agent Corporation Service Company  
Street, Apt. No. or PO Box No. 211 E. 7th Street #620  
City, State, ZIP+4 Austin, TX 78701

PS Form 3800, August 2006 See Reverse for Instructions



El Paso County - 168th District Court

Filed 7/18/2016 3:25:52 PM

Norma L. Favela  
District Clerk  
El Paso County  
2016DCV2467

## RETURN OF SERVICE

Delivery was completed on July 11, 2016, delivered to Balfour Beatty  
Military Housing LLC as evidence by Domestic Return Receipt PS Form 3811  
 attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned  
 undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_  
 Deputy District Clerk

OR

GLORIA ZUBIA  
 Name of Authorized Person

By: Herna Zubia

## VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared GLORIA ZUBIA known to me to be the person  
 whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am  
 disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and  
 correct."

Subscribed and sworn to be on this 15<sup>th</sup> day  
 of July, 2016

Andreas Pacheco

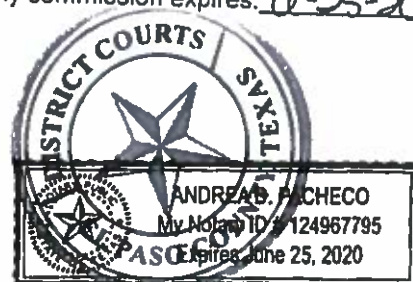
Notary Public, State of Texas

My commission expires: 6-25-20

A TRUE COPY, I CERTIFY  
 NORMA L. FAVELA, District Clerk

By: [Signature]  
 Deputy

AUG 10 2016



# THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **BALFOUR BEATTY MILITARY HOUSING, LLC**, who may be served with process by serving its registered agent **CORPORATION SERVICE COMPANY** at 211 E. 7<sup>TH</sup> STREET, SUITE 620 AUSTIN, TX 78701 or wherever they may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **168<sup>th</sup> Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of June, 2016, by Attorney at Law **GEORGE P. ANDRITSOS**, 3116 MONTANA, EL PASO, TX 79903 in this case numbered **2016DCV2467** on the docket of said court, and styled:

**MARCELA ROCHA**

vs.

**BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Demand for Trial, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 8<sup>th</sup> day of July, 2016.

Attest: **NORMA L. FAVELA**, District Clerk, El Paso County, Texas

CLERK OF THE COURT  
**NORMA L. FAVELA**  
District Clerk

El Paso County Courthouse  
500 E. San Antonio Ave, RM 103  
El Paso Texas, 79901

ATTACH  
RETURN RECEIPTS  
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER

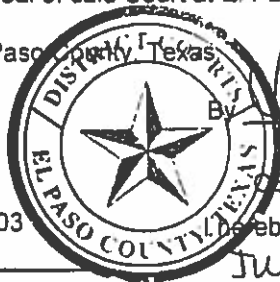
TITLE

ADDRESS

CITY

STATE

ZIP



By *Edith Miledi*, Deputy  
Edith Miledi


CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 8<sup>th</sup> day of  
July, 2016, at 4:30 PM mailed to

Balfour Beatty Military  
Housing, LLC by my agent

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition & Demand for Jury Trial attached thereto.



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: BALFOUR BEATTY MILITARY HOUSING, LLC by serving their agent CORPORATION SERVICE COMPANY 211 E. 7th Street #620 Austin, Texas 78701		B. Received by (Printed Name) _____ C. Date of Delivery <u>JUL 11 2016</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service)		7013 0600 0002 3714 6691	

PS Form 3811, July 2013 Domestic Return Receipt

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

AUSTIN, TX 78701

Postage	\$3.39
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.39

Sent To Balfour Beatty Military Housing LLC  
by serving their agent  
Corporation Service Company  
211 E. 7th Street #620  
Austin, TX 78701

PS Form 3800, August 2005 See Reverse for Instructions



El Paso County - 168th District Court

Filed 7/18/2016 3:13:59 PM

Norma L. Favela  
District Clerk  
El Paso County  
2016DCV2467

## RETURN OF SERVICE

Delivery was completed on July 11, 2016, delivered to Balfour Beatty Communities, LLC as evidence by Domestic Return Receipt PS Form 3811 attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_  
Deputy District Clerk

OR

GLORIA ZUBIA

Name of Authorized Person

By: Gloria Zubia

## VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared GLORIA ZUBIA known to me to be the person whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and correct."

Subscribed and sworn to be on this 15<sup>th</sup> day  
of July, 2016

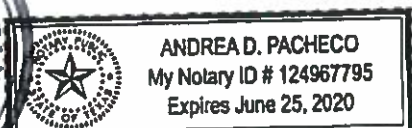
Andrea D. Pacheco

Notary Public, State of TexasMy commission expires: 6-25-20

A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk

By: [Signature]  
Deputy

Aug 10 2016





## THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **BALFOUR BEATTY COMMUNITIES, LLC**, who may be served with process by serving its registered agent **CORPORATION SERVICE COMPANY** at **211 E. 7<sup>TH</sup> STREET, SUITE 620 AUSTIN, TX 78701** or wherever they may be found

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Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of June, 2016, by Attorney at Law **GEORGE P. ANDRITSOS**, 3116 MONTANA, EL PASO, TX 79903 in this case numbered **2016DCV2467** on the docket of said court, and styled:

**MARCELA ROCHA**

vs.

**BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC BALFOUR BEATTY COMMUNITIES, LLC and  
BALFOUR BEATTY MILITARY HOUSING, LLC**

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Attest: **NORMA L. FAVELA**, District Clerk, El Paso County, Texas.

CLERK OF THE COURT  
**NORMA L. FAVELA**

District Clerk

El Paso County Courthouse  
500 E. San Antonio Ave, RM  
El Paso Texas, 79901

ATTACH  
RETURN RECEIPTS  
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

\*NAME OF PREPARER

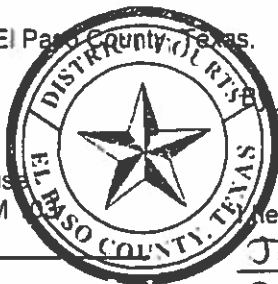
TITLE

ADDRESS

CITY

STATE

ZIP



*Edith Miledi*

Deputy  
Edith Miledi

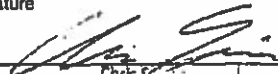
CERTIFICATE OF DELIVERY BY MAIL

hereby certify that on the 8<sup>th</sup> day of  
July, 2016, at 4:30pm I mailed to  
Balfour Beatty Communities  
LLC by registered mail

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition & Demand for Jury Trial attached thereto.

*Norma Favela*



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  BALFOUR BEATTY COMMUNITIES LLC by serving their agent CORPORATION SERVICE COMPANY 211 E. 7th Street #620 Austin, Texas 78701		B. Received by (Printed Name) 	C. Date of Delivery JUL 11 2016
2. Article Number (Transfer from servi 7013 0600 0002 3714 6684		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, July 2013 Domestic Return Receipt

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)  
AUSTIN, TX 78701

Postage	\$3.39
Certified Fee	\$2.78
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.17

Sent To: Balfour Beatty Communities LLC  
by serving their agent  
Corporation Service Company  
211 E. 7th Street #620  
Austin, TX 78701

PS Form 3800, August 2005 See Reverse for Instructions





# **EXHIBIT A-6**

## CAUSE NO. 2016-DCV-2467

MARCELA ROCHA,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
vs.	§	EL PASO COUNTY, TEXAS
	§	
BALFOUR BEATTY MILITARY	§	
HOUSING MANAGEMENT, LLC,	§	
BALFOUR BEATTY COMMUNITIES,	§	
LLC and BALFOUR BEATTY MILITARY	§	
HOUSING, LLC,	§	
	§	
Defendant.	§	168th JUDICIAL DISTRICT

**DEFENDANTS' ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Defendants Balfour Beatty Military Housing Management, LLC, Balfour Beatty Communities, LLC and Balfour Beatty Military Housing, LLC (collectively "Defendants"), file their Answer to Plaintiff's Original Petition, and state as follows:

**I. GENERAL DENIAL**

Defendants enter a general denial pursuant to Texas Rule of Civil Procedure 92 and requests that Plaintiff be required to prove all facts necessary to establish her causes of action by a preponderance of the evidence.

**II. DEFENSES**

1. Plaintiff's Original Petition fails to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by waiver, laches, consent and/or estoppel.
3. Plaintiff's alleged claims are barred under the doctrine of unclean hands.
4. Plaintiff has not alleged any conduct that would constitute, and cannot

5. Plaintiff's claims are barred in whole or in part because Plaintiff failed to take reasonable steps to mitigate her alleged damages, if any.

6. Plaintiff cannot establish a causal connection between any alleged protected activity and any alleged materially adverse action.

7. Defendants are not responsible for any expenses or damages allegedly incurred by Plaintiff due to Plaintiff's own acts, conduct, negligence, and/or failure to exercise reasonable care.

8. Plaintiff's claims for relief are barred, in whole or in part, by the applicable statute of limitations and due to Plaintiff's failure to exhaust her administrative remedies.

9. Plaintiff's claims for relief are barred, in whole or in part, by the after acquired evidence doctrine, as provided for under *McKennon v. Nashville Banner*, 513 U.S. 352 (1995).

10. Any losses suffered by Plaintiff were not consequence of, or in reliance upon, any acts or omissions of Defendants, either directly or indirectly.

11. Defendants assert that in the event Plaintiff recovers any amount against it in these proceedings, Defendants respectfully requests that the Court offset said amount by any amount Plaintiff has already received or is scheduled to receive from any and all other applicable parties and/or sources.

12. All employment decisions regarding Plaintiff were based on standards, qualification and/or criteria that are job-related and consistent with business necessity.

COURT

13. To the extent Plaintiff was damaged at all, such damages were proximately caused in whole or in part by the conduct or fault of persons or entities other than Defendants.

14. Plaintiff is not entitled to recover any punitive damages, the existence of which damages Defendants specifically deny, because Plaintiff has not set forth and cannot set forth facts sufficient to support a claim under any state or federal law for such damages, because Defendants adopted policies and practices in support of its non-discrimination and non-retaliation obligations under law, and in good faith attempted to comply with those obligations.

15. If any employee engaged in conduct with respect to Plaintiff as alleged in her Petition, which Defendants specifically deny, that employee lacked sufficient authority to subject Defendants to punitive damages.

16. Defendants assert that any damages sought by Plaintiff (including without limitation, exemplary or punitive damages) should be limited in accordance with the provisions of any applicable statutory damage caps, including but not limited to those under Chapter 41 of the Texas Civil Practices and Remedies Code and TEX. LAB. CODE § 21.2585.

17. Plaintiff's claims are barred in whole or in part because Defendants took prompt, effective, remedial action to end all objectionable conduct when it became aware of such objectionable conduct, the awareness and existence of which conduct Defendants specifically deny.

18. Defendants assert that any alleged tangible employment action taken by it against Plaintiff was not casually related to the acceptance or rejection of the alleged discriminatory conduct.

19. To the extent Plaintiff establishes that prohibited and lawful considerations motivated the employment decision at issue, Defendants assert they would have made the same decision for lawful reasons regardless of any prohibited motive; nonetheless, Defendants deny that unlawful motives played any role whatsoever in Plaintiff's employment.

20. If any improper, illegal, harassing or discriminatory acts were taken by any of Defendants' employees against Plaintiff, it was outside the course and scope of that employee's employment, contrary to Defendants' policies, and was not ratified, confirmed, or approved by Defendants. Thus, any such actions cannot be attributed or imputed to Defendants.

21. In addition to the foregoing defenses, Defendants reserve the right to assert any other defenses available upon the completion of discovery.

### III. PRAYER

Defendants hereby respectfully request that the Court deny all of Plaintiff's claims, that Plaintiff take nothing by this action, that Defendants recover all costs of court and attorneys' fees from Plaintiff, and that Defendants recover any other and further relief to which it is justly entitled.

Respectfully submitted,

By: /s/ Michael J. DePonte  
Michael J. DePonte, Esq.  
State Bar No. 24001392  
Michael.DePonte@jacksonlewis.com  
Allyson L. Johnson, Esq.  
State Bar No. 24054005  
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500 N. Akard, Suite 2500  
Dallas, Texas 75201  
PH: (214) 520-2400

**CERTIFICATE OF SERVICE**

I hereby certify that the above pleading was forwarded to the following counsel of record via facsimile and certified mail, return receipt requested, on the 1<sup>st</sup> day of August, 2016, as follows:

George P. Andritsos  
3116 Montana  
El Paso, TX 79903  
PH: (915) 566-9995  
FX: (915) 566-9996

/s/ Michael J. DePonte

Michael J. DePonte